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TESTIMONY OF CELESTE J. POULIN,
QUALITY ASSURANCE AND REGULATIONS
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BEFORE THE JOINT COMMITTEE ON
AGRICULTURE, CONSERVATION, AND FORESTRY

Against LD 2129

"An Act Relating To Food, Food Additives or Food Products Containing Hemp or Cannabidiol Derived from Hemp"

Sen. Dill, Rep. Hickman and members of the Committee, my name is Celeste Poulin and I am the Director of the Division of Quality Assurance and Regulation at the Department of Agriculture, Conservation and Forestry. I am here today speaking against LD 2129 *"An Act Relating To Food, Food Additives or Food Products Containing Hemp or Cannabidiol Derived from Hemp"*.

The Division of Quality Assurance and Regulation (QAR) is tasked with implementing both state and federal law regarding food and food products in commerce. Our Consumer Protection Inspectors enforce retail compliance with the Maine Food Code and the federal Food, Drug, and Cosmetic Act. This includes ensuring that all food and food products offered for sale in Maine are properly labeled including a complete list of all ingredients and any necessary disclosures.

Last year, LD 630 (PL 2019, c. 12) redefined cannabidiol (CBD) as "not an adulterant" under Maine law. The passage of LD 630 allowed this ingredient to be included in food products sold to the general public in Maine without restriction, provided those items were produced and sold within the State of Maine. LD 2129 proposes to expand this further by allowing the sale of CBD containing foods from any source. We oppose this new bill for the following reasons:

Federal Law:

Under federal law, CBD in food and drink products is illegal. Despite the 2018 Farm Bill removing hemp from the definition of marijuana in the Controlled Substances Act, CBD products are still subject to the same laws and requirements as FDA-regulated products that contain any other substance. Federal

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law prohibits food, unapproved drugs, dietary supplements, pet food, and unapproved animal drugs that contain CBD from interstate commerce.¹

Quality Concerns

The Department is also concerned that not all CBD products are of high quality, due to a lack of appropriate or standardized processing controls and practices, which can put consumers at additional risk. FDA has tested the chemical content of cannabinoid compounds in some of products, and many were found to not contain the levels of CBD they claimed. The FDA is also investigating reports of CBD potentially containing unsafe levels of contaminants (e.g., pesticides, heavy metals, THC).

Although QAR does not have the ability to inspect out-of-state food production facilities for safety or sanitation and we do not license them, Maine does, however, have a known universe of licensed CBD food producers and vendors under QAR's current program. The benefit of the current law is that by requiring food containing CBD to be produced in Maine, and closely tracking the source CBD within that food to ensure that it comes from a licensed program, tracebacks and other investigations would, conceivably, be more manageable and trackable if problems were to arise.

Market Saturation

The Department is aware that the explosive interest in hemp and CBD products in particular has resulted in the market being flooded across the US, with many growers and processors (in Maine and beyond) unable to sell their crop and finished products. With the market already saturated, opening the doors to additional out of state products further diminishes market opportunities for Maine producers.

Conclusion

In light of the federal prohibition on CBD food products in interstate commerce, the lack of much needed research and data on the safety of CBD, and the market pressures facing our growers, the Department cannot support further reduced oversight of this product. In the absence of federal leadership in this area, we urge patience and continued caution.

I will be happy to answer any of your questions at this time and will be present at the work session for further discussion as needed.

¹ The FDA has approved one prescription drug containing CBD, Epidiolex, for treating severe forms of epilepsy. The Federal Food, Drug, and Cosmetic Act prohibits adding approved drugs to human or animal food in interstate commerce.